

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
_____)	Civil Action No. 01-12257-PBS
_____)	Subcategory No. 06-11337
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-a-Care of</i>)	Judge Patti Saris
<i>The Florida Keys, Inc., v. Abbott Laboratories,</i>)	Magistrate Judge Marianne Bowler
<i>Inc.,</i>)	
CIVIL ACTION NO. 06-11337-PBS)	

**CORRECTED MOTION BY THE UNITED STATES TO QUASH OUT-OF-TIME
DEPOSITION NOTICES SERVED BY ABBOTT LABORATORIES
OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

On December 4, 2008, the Magistrate Judge issued oral rulings which allowed defendant Abbott Laboratories Inc. (Abbott) to depose (1) two employees in CMS's Office of Legislation and (2) a witness or witnesses selected by the United States to testify concerning certain Rule 30(b)(6) topics. On September 30, 2009, Abbott served notices which purportedly schedule the depositions noted above for October 14, 15 and 16, 2009 – that is, over ten months after the Magistrate Judge's December 2008 rulings.

For reasons more fully set forth in the accompanying legal memorandum, the Court should quash the deposition notices which are untimely, disruptive, and in derogation of scheduling orders issued by the District Court. In the alternative, the Court should enter a protective ordering barring the depositions.

Respectfully Submitted,

For the United States of America,

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October 7, 2009

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that I have communicated with counsel for defendant Abbott Laboratories in an effort to resolve the disputes referred to in this motion, and that the parties have not been able to narrow or resolve the issues raised therein.

/s/ Justin Draycott
Justin Draycott

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above UNITED STATES' MOTION TO QUASH OUT-OF-TIME DEPOSITION NOTICES SERVED BY ABBOTT LABORATORIES OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Date: October 7, 2009

/s/Justin Draycott
Justin Draycott